

In re Application of Bryant

Serial No. 10/786,903

Filed: February 25, 2004

For: WRIST AND FOREARM SUPPORT FOR STEADYING AN AIM

RESPONSE TO NON-FINAL OFFICE ACTION OF MAY 27, 2005

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REMARKS

Introduction

Applicant hereby submits this Response to the Non-Final Office Action of May 27, 2005. Since the three-month due date fell on Saturday August 27, 2005, the filing of this paper on Monday August 29, 2005 is timely. If claim fees are required, the accompanying Amendment Transmittal addresses the calculation and payment of these fees. Applicant respectfully requests that this Response be entered in this application.

Claim Objections

The Patent Examiner objects to claim 6. Claim 6 has been cancelled. Applicant respectfully requests the removal of this objection.

Double Patenting Rejections

In regard to claims 9-15 and 18-23, which have been provisionally rejected under 35 USC §101, these claims have been cancelled so the rejection is moot. In regard to the rejection of claims 1 through 6 under the judicially-created doctrine of obviousness-type double patenting, claims 1-6 herein have been cancelled so this rejection is moot.

Applicant respectfully requests the removal of these rejections.

Rejection of Claims 1-23 under 35 USC §112 ¶2

Per the Patent Examiner's suggestion, applicant has amended the pending claims to recite that the cradle is "adapted" to receive the appropriate body portion of the user. Applicant respectfully requests the removal of this rejection.

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Rejection under 35 USC §102(b)

The Primary Examiner has rejected claims 1-23 under 35 USC §102(b) as “being anticipated” by U.S. Patent No. 5,385,536 to Burkhead et al. Applicant respectfully submits that the claims are patentably distinct over the ‘536 Patent for the reasons set forth below.

Pending claim 8 calls for, “...a cradle adapted to receive the forearm and wrist of the hunter in such a fashion so that the wrist and forearm are movable relative to the trunk of the hunter ...”, and pending claim 17 recites, “...a cradle that is adapted to receive the forearm of the user in such a fashion so that the forearm is movable relative to the trunk of the user ...”. Pending claim 24 requires, “... a cradle that is adapted to receive at least a part of the user’s arm between the elbow and the wrist so that the part of the user’s arm received by the cradle is movable relative to the trunk of the user ...”. Applicant respectfully submits that these claims define over the ‘536 Patent for the reasons set forth hereinafter.

The ‘536 Patent pertains to an orthopedic device that intended to maintain the arm and shoulder immobile. In this regard, the Examiner is referred to the description of the Field of the Invention found at Column 1, lines 6-9, which reads:

The invention is generally related to orthopedic devices for immobilizing and supporting limbs of patients who are undergoing surgical or other medical treatment of their limbs or who have suffered injury to their limbs.

The entire ‘536 Patent focuses on providing an orthopedic device that has a goal to immobilize the patient’s arm and shoulder. This is especially clear from the drawings of FIGS. 1 and 2 that show that the upper arm and the forearm of the patient are secured to the orthopedic brace and the orthopedic brace is secured to the adjustable mounting assembly 34. When the arm support 14 and the positioning assembly 16 and the

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adjustable mounting assembly 34 are secured into their final positions, the arm and the shoulder are rendered immobile so that they cannot be moved relative to the trunk of the patient. Hence, the '536 Patent cannot address the present invention where the "wrist and forearm" or the "forearm" or the "part of the user's arm" is "movable relative to the trunk" of the person or the user.

Applicant respectfully submits that the claims are patentably distinct over the '536 Patent, and requests the removal of this rejection.

Conclusion

Applicant submits that the claims are in form for allowance. If the Examiner has any questions, applicant urges that the Examiner telephone the undersigned attorney.

Respectfully submitted,

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